

June 24, 2011

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

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Chapter 7 Trustee**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

In re

JAMES L. MACKLIN

Debtor.

Case No.: 10-44610-E-7

DCN: HSB-002

**TRUSTEE'S OPPOSITION TO
DEBTOR'S MOTION TO COMPEL
TRUSTEE TO ABANDON PROPERTY
OF THE ESTATE**

Date: June 30, 2011

Time: 10:30 am

Dept.: E (Courtroom 33)

Trustee Thomas Aceituno, through counsel, hereby submits the following opposition to the Debtor's motion to compel abandonment of property of the Estate.

Trustee has recently retained counsel, and the employment application for said counsel is being submitted simultaneously with this opposition. Trustee requests leave to file a late opposition due to the fact that he has not previously had counsel.

The Trustee had initially consented to abandonment of the real property. However, the Trustee has now reviewed the Court's ruling of May 19, 2011 on the Debtor's application for a preliminary injunction in Adv. Proc. 11-2024-E. In its ruling, the Court determined that the

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1 foreclosure of the Debtor's residence was questionable, for the reasons stated in its ruling, and
2 entered a preliminary injunction.

3 Because of the Court's decision on the motion for preliminary injunction, the Trustee is
4 of the view that the Debtor's claims against Deutsche Bank may have some value for the Estate.
5 Part of that value may be based on ownership of the residence which is the subject of the
6 Debtor's motion to compel abandonment. The Trustee wants to resolve the issues relating to that
7 adversary proceeding (since the underlying claims are property of the Estate pursuant to 11
8 U.S.C. §541) short of a trial, and is of the view that ownership of the residence will assist in that
9 process. In other words, even if the residence has no equity, the Trustee believes that he needs to
10 retain the residence as an asset of the Estate in order to obtain the best possible result, in his
11 negotiations with Deutsche Bank.

12 Accordingly, the Trustee respectfully requests that the present motion should either be
13 denied without prejudice, or continued for at least 90 days.

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15 Dated: June 24, 2011

Hughes Law Corporation

17 By /s/ Gregory J. Hughes
18 Gregory J. Hughes, Attorney for Trustee
19 Thomas Aceituno
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